

Appl. No. 09/241,857  
Amd. dated February 10, 2006  
Reply to Office Action of 08/16/2005

**REMARKS**  
**Reconsideration and Allowance**  
**are Respectfully Requested**

Claims 1-4, 6 and 8-35 are currently pending and were previously indicated as being allowed. No claims have been added. No new matter has been added. Claims 1, 19 and 22 have been amended in accordance with the Examiner's objections. It is note that claims 21-28 have been indicated as allowable if rewritten independent form.

In an effort to overcome the outstanding rejections, the independent claims of the present application have been amended to further define that fact the media data, content data, is used in determining the delay which is ultimately used in identifying the network state. Thereafter, a media frame is package based upon the identified network state for transmission over the network.

For example, independent claim 1 now defines a method for transmitting packets over a packet switch network which includes a plurality of multimedia transceivers for sending and receiving multimedia communications. The method is achieved by providing at least two predefined network states for comparing with a monitored network state. The step of providing includes analyzing the network to identify a delay based upon a media communication, categorizing the network into at least two states upon analyzing the network, the at least two states corresponding to the at least two predefined network states, and packaging at least one media frame according to each of the at least two predefined network states. Thereafter, the network state is monitored, one state of the at least two predefined network states is selected in accordance with the monitored network state, then the sampling

Appl. No. 09/241,857  
Amd. dated February 10, 2006  
Reply to Office Action of 08/16/2005

and placing are performed to obtain at least one media sample and place said media sample into a packet. Finally, the packet is transmitted over the network, wherein the number of media samples in a packet is in accordance with the selected predefined network state.

The remaining independent claims have been similarly amended.

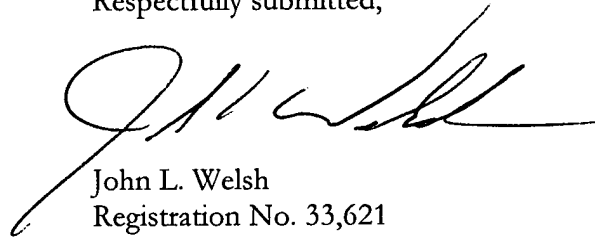
In contrast to the present amendments, Shaffer is merely concerned with the utilization of a test signal to identify delay and does not utilize media content in identifying network states. That is, Shaffer fails to disclose or suggest “analyzing the network to identify a delay based upon a media communication, categorizing the network into at least two states upon analyzing the network, the at least two states corresponding to the at least two predefined network states, and packaging at least one media frame according to each of the at least two predefined network states”. The other prior art of record does not remedy this deficiency by suggesting or disclosing the claimed limitations.

With this in mind, it is Applicants’ opinion the amended independent claims, and consequently those claims dependent thereon, overcome the prior art of record and Applicants respectively request that the outstanding rejections be withdrawn.

Appl. No. 09/241,857  
Amd. dated February 10, 2006  
Reply to Office Action of 08/16/2005

It is now believed that this case is in condition for allowance and early issuance is respectfully requested.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'J. L. Welsh', with a long, sweeping horizontal stroke extending to the right.

John L. Welsh  
Registration No. 33,621

WELSH & FLAXMAN LLC  
2000 Duke Street, Suite 100  
Alexandria, Virginia 22314  
Telephone: (703) 920-1122

Docket No. P-2163-US